

AMENDED IN ASSEMBLY AUGUST 23, 2012

AMENDED IN ASSEMBLY JUNE 19, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MARCH 19, 2012

**SENATE BILL**

**No. 1076**

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**Introduced by Senator Emmerson**

February 14, 2012

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An act to add and repeal ~~Section 38568~~ *Chapter 9 (commencing with Section 39945) of Part 2 of Division 26* of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1076, as amended, Emmerson. California Global Warming Solutions Act of 2006: tire inflation regulation.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. A violation of a regulation adopted by the state board pursuant to the act is subject to specified civil and criminal penalties. Pursuant to the act, the state board adopted a regulation requiring automobile service providers, by September 1, 2010, among other things, to check and inflate vehicle tires to the recommended pressure rating when performing automobile maintenance or repair services.

~~This bill would, until January 1, 2018, specify certain requirements that apply to a regulation that requires, as does the regulation described above, an automotive service provider to check and inflate a vehicle's tires while performing automotive maintenance or repair service. This bill would impose an accuracy standard on a tire pressure gauge used by a provider pursuant to that regulation. This bill would declare the intent of the Legislature to establish the exclusive and exhaustive set of tire safety related exemptions to that regulation. This bill would list those exemptions, as specified, until January 1, 2018, would require a tire pressure gauge used to meet the requirements of this regulation to be accurate within a range of plus or minus 2 pounds per square inch of pressure (2 psi). The bill, until January 1, 2018, would authorize automotive service providers to meet the requirements of the regulation without checking and inflating a vehicle's tire if that tire is determined to be an unsafe tire, as defined.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 9 (commencing with Section 39945) is  
2     added to Part 2 of Division 26 of the Health and Safety Code, to  
3     read:

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5                             CHAPTER 9. TIRE PRESSURE

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7     39945. (a) For purposes of this chapter, "unsafe tire" means  
8     any tire considered unsafe in accordance with standard industry  
9     practices due to tire tread wear, tread irregularity, or damage.  
10    Examples include any tire with an exposed ply or cord, a sidewall  
11    crack, a bulge, a knot, or a ply separation.  
12    (b) For purposes of a regulation adopted pursuant to Division  
13    25.5 (commencing with Section 38500) that requires an automotive  
14    service provider to check and inflate a vehicle's tires while  
15    performing automotive maintenance or repair service, a tire  
16    pressure gauge used by the provider to inflate a tire pursuant to  
17    that regulation shall be accurate within a range of plus or minus  
18    two pounds per square inch of pressure (2 psi).

1 (c) An automotive service provider shall not be required to  
2 check and inflate a vehicle's tire pursuant to subdivision (b) if that  
3 tire is determined to be an unsafe tire.

4 (d) This section shall remain in effect only until January 1, 2018,  
5 and as of that date is repealed, unless a later enacted statute, that  
6 is enacted before January 1, 2018, deletes or extends that date.

7 SECTION 1. ~~Section 38568 is added to the Health and Safety~~  
8 ~~Code, to read:~~

9 38568. (a) ~~For the purposes of a regulation that requires an~~  
10 ~~automotive service provider to check and inflate a vehicle's tires~~  
11 ~~while performing automotive maintenance or repair service, a tire~~  
12 ~~pressure gauge used by the provider to inflate a tire pursuant to~~  
13 ~~that regulation shall be accurate within a range of plus or minus~~  
14 ~~two pounds per square inch of pressure (2 psi):~~

15 (b) (1) ~~For the purposes of a tire safety related exemption to a~~  
16 ~~regulation as described in subdivision (a), it is the intent of the~~  
17 ~~Legislature that the exemptions provided in paragraph (2) shall be~~  
18 ~~exclusive and exhaustive:~~

19 (2) ~~An automotive service provider shall not be required to~~  
20 ~~check and inflate a vehicle's tire if the tire shows any of the~~  
21 ~~following:~~

22 (A) ~~Damage penetrating or exposing the reinforcing plies,~~  
23 ~~including cuts, cracks, punctures, or excessive wear:~~

24 (B) ~~Tread depth worn to  $\frac{3}{32}$  of an inch or less on any area of~~  
25 ~~the tread:~~

26 (C) ~~Indication of internal separation, such as a bulge, a local~~  
27 ~~area of irregular tread wear indicating possible tread or belt~~  
28 ~~separation, or damage of reinforcing plies:~~

29 (D) ~~Defacement or removal of a U.S. Department of~~  
30 ~~Transportation tire identification number, as required by Part 574~~  
31 ~~of the Title 49 of the Code of Federal Regulations, which is located~~  
32 ~~on the tire sidewall:~~

33 (e) ~~This section shall remain in effect only until January 1, 2018,~~  
34 ~~and as of that date is repealed, unless a later enacted statute, that~~  
35 ~~is enacted before January 1, 2018, deletes or extends that date:~~